

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

**Civ. No. 11-623**

\$2,279.00 IN UNITED STATES CURRENCY,

*Defendant,*

*and*

DONALD DALE DUNCAN,

*Claimant.*

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

Plaintiff states:

**JURISDICTION AND VENUE**

1. This is a civil action *in rem* for forfeiture of Defendant property which has been located and will be arrested by execution of a Warrant for Arrest in the District of New Mexico; and during the pendency of this action Defendant, or its equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.

2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.

3. Venue is proper under 28 U.S.C. §§ 1355 and 1395.

4. The "res" or property which is the subject of this action consists of Two Thousand Two Hundred Seventy-Nine (\$2,279.00) in U.S. Currency (hereafter referred to as "Defendant Currency").

### **PARTIES AND CLAIMANTS**

5. The following persons may claim an interest in Defendant Currency:

- (a). Donald Dale Duncan at Sandoval County Detention ID:21185, 1100 Montoya Rd., Bernalillo, NM 87004 and/or 3550 Old Airport Rd NW Apt 1127, Albuquerque, NM 87193 and/or P.O. Box 65431, Albuquerque, NM 87193.

### **FACTS**

The circumstances from which the claim for forfeiture of Defendant Currency arise are:

6. On January 1, 2011, Albuquerque Police Department (APD) Officers executed a search warrant at 2126 Islet Blvd SW Apt C6 in Albuquerque, NM, the residence of Donald Dale Duncan. Duncan was on federal probation for trafficking methamphetamine and cocaine. Diana Surdukah was detained in the stairway between the first and second floor of the apartment. Duncan was detained in the master bedroom coming out of the closet.

7. Task Force Officer (TFO) advised Surdukah of her *Miranda* rights. Surdukah consented to speak with TFO. Surdukah advised that she met Duncan at a halfway house and has an intimate relationship with him. Surdukah told TFO she was at the apartment to clean it. Surdukah was later found to be on federal probation.

8. The TFO advised Duncan of his *Miranda* rights. Duncan consented to speak with TFO. Duncan informed TFO that he had methamphetamine in the master bedroom closet. Nine ziplock bags containing methamphetamine were found in the master bedroom. Each bag had an approximate weight of one ounce.

9. A digital scale was found on a dresser at the top of the stairs on the second floor of the apartment. On the scale was a bag containing methamphetamine and weighing approximate 11.5 grams.

10. \$2,279.00 in U.S. currency was found in the master bedroom next to Duncan's mail.

**CLAIM FOR RELIEF**

11. Defendant Currency is subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(6) because it was furnished, or intended to be furnished, in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange, or was used or intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE: Plaintiff seeks arrest of Defendant Currency and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Currency, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

KENNETH J. GONZALES  
United States Attorney



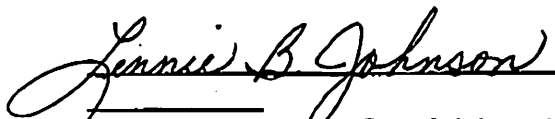
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**28 U.S.C. § 1746 DECLARATION**

I am a Special Agent with the Federal Bureau of Investigation who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

Dated: 07/13/2011

A handwritten signature in cursive script, reading "Lennie B. Johnson", is written over a horizontal line.

Lennie B. Johnson, Special Agent  
Federal Bureau of Investigation